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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,293	07/31/2003	Michael R. Dennis	J-OAER.1016	3329.
56703	7590	11/02/2006	EXAMINER	
ROBERT D. VARITZ, P.C. 4915 SE 33RD PLACE PORTLAND, OR 97202			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/633,293	DENNIS ET AL.	
	Examiner	Art Unit	
	Timothy J. Henn	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 July 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because handwritten labels can be difficult to read. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (US 6,262,768).

[claim 1]

Regarding claim 1, Williams discloses a nighttime imaging apparatus comprising: achromatic video-image-display output structure (Figure 1, Item 16, 18 and 22), and an optical path structure operatively interposed with the output structure and a source of nighttime visual imager (Figure 4, Items 44 and 50), said path structure including a light intensifier (Figure 4, Item 50) and a non-lightbeam-dividing achromatic video output

coupler structure operatively and communicatively interconnecting the intensifier and the output structure (Figure 4, Item 42).

[claim 2]

Regarding claim 2, Williams discloses a nighttime imaging apparatus comprising: a light intensifier arranged to receive light from a defined nighttime field of view and to produce an intensified-light output derived from such received light (Figure 4, Item 50) and an achromatic, optical-to-electronic imaging instrumentality coupled optically to the intensifier to receive therefrom said intensified-light output (Figure 4, Item 42).

[claim 3]

Regarding claim 3, Williams discloses imaging instrumentality which is coupled to the intensifier in a manner whereby substantially all of the intensified-light output stream is supplied to the instrumentality (Figure 4).

[claim 4]

Regarding claim 4, Williams discloses imaging instrumentality which includes but a single charge-coupled-device (Figure 4, Item 42; c. 4, ll. 23-25).

[claim 5]

Regarding claim 5, Williams discloses imaging instrumentality which takes the form of structure within a black-and-white video camera (Figure 4, Item 42; c. 4, ll. 8-25).

[claim 6]

Regarding claim 6, Williams discloses imaging instrumentality which includes but a single charge-coupled-device in the camera (Figure 4, Item 42; c. 4, ll. 23-25).

[claim 7]

Regarding claim 7, Williams discloses a nighttime imaging apparatus comprising: an optical lens structure for gathering light from a defined nighttime field of view, and for delivering such gathered light as a light output from the lens structure (Figure 4, Item 44), a light intensifier arranged to receive light from a defined nighttime field of view and to produce an intensified-light output derived from such received light (Figure 4, Item 50) and an achromatic, optical-to-electronic imaging instrumentality coupled optically to the intensifier to receive therefrom said intensified-light output (Figure 4, Item 42).

[claim 8]

Regarding claim 8, Williams discloses generating an electronic-date output stream from the intensified-light output (i.e. video) and displaying the output on a visual display device operatively connected to the imaging instrumentality (Figure 1, Item 18; c. 2, ll. 50-55).

[claim 9]

Regarding claim 9, Williams discloses imaging instrumentality which includes but a single charge-coupled-device (Figure 4, Item 42; c. 4, ll. 23-25).

[claim 10]

Regarding claim 10, Williams discloses imaging instrumentality which takes the form of structure within a black-and-white video camera (Figure 4, Item 42; c. 4, ll. 8-

25).

[claim 11]

Regarding claim 11, Williams discloses imaging instrumentality which includes but a single charge-coupled-device in the camera (Figure 4, Item 42; c. 4, ll. 23-25).

[claim 12]

Regarding claim 12, Williams discloses a nighttime imaging method comprising: gathering imagery-based available light which relates to a defined nighttime field of view, intensifying the gathered light and producing, without lightbeam splitting, an achromatic light output derived from the intensified light (Figure 4; c. 4, ll. 3-25).

[claim 13]

Regarding claim 13, Williams discloses a nighttime imaging method comprising: gathering imagery-based available light which relates to a defined nighttime field of view (Figure 4); supplying such gathered light to a light intensifier (Figure 4, Item 50); utilizing the light intensifier, producing thereby a related, intensified-light output derived from the light supplied to the light intensifier and furnishing such intensified-light output to an achromatic, optical-to-electronic imaging instrumentality (Figure 4, Item 42) for the purpose of creating thereby an electronic-data output stream which is interpretable to form an achromatic visual image (Figure 1; c. 2, ll. 50-55).

[claim 14]

Regarding claim 14, Williams discloses substantially all of the intensified-light output produced by the light-intensifier being delivered to the instrumentality (Figure 4).

[claim 15]

Regarding claim 15, Williams discloses supplying the electronic-data output stream to a video display device (Figure 1, Item 18, c. 2, ll. 50-55).

[claim 16]

Regarding claim 16, Williams discloses a nighttime imaging method comprising: utilizing a properly deployed light intensifier, creating a light-intensified image which is derived from a non-light-intensified nighttime field of view (Figure 4) and processing that light-intensified image which an optical-to-electronic imaging instrumentality (Figure 4, Item 42) to produce an electronic-data output stream containing solely achromatic optical image information (Figure 1; c. 2, ll. 50-55).

[claim 17]

Regarding claim 17, Williams discloses converting the electronic-data output stream to a black-and-white, achromatic, displayable image (Figure 1, Item 18; c. 2, ll. 50-55).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJH
10/13/2006



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